

**Permitting and Assistance Branch Staff Report**  
New Minor Waste Tire Facility Permit for Bay Area Tire Recycling, Inc.  
TPID No. 1703928  
January 24, 2013

**Background Information, Analysis, and Findings:**

This report was developed in response to a New Minor Waste Tire Facility Permit (WTFP) application received from the operator of Bay Area Tire Recycling, Inc., located at 2033 American Avenue, in the City of Hayward. Bay Area Tire Recycling, Inc. operates in a 10,500 square foot building located within an Industrial (I) zone. No outside storage of tires will occur.

An application for a Minor WTFP was received by Permitting and Assistance Branch (PAB) staff on July 24, 2012 and was accepted as complete on August 14, 2012. Pursuant to 14 CCR, Section 18425, CalRecycle has 180 calendar days from the date the application is accepted as complete to either issue or deny the issuance of a Minor WTFP. CalRecycle is required to act by February 10, 2013.

**Findings:**

Staff recommends approval of the issuance of the proposed permit. All of the required submittals and findings required by 14 CCR, Section 18431, have been met to support issuance. The findings that are required to be made by CalRecycle when reaching a determination are summarized in the table below. The documents on which staff's findings are based are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

The following table summarizes the staff's findings relative to the permit application:

	Findings	
Compliance with Tire Storage Standards, 14 CCR, Sections 17350-17356	Staff of the Alameda County Tire Enforcement Agency conducted an inspection of the facility on January 18, 2013. See additional compliance information below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
Application Forms (500-504) - 14 CCR, Sections 18431(a) through (f)	All application forms were accepted by Permitting and Assistance Branch staff as complete on August 14, 2012.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
Local Requirements 14 CCR, Section 18431(h)	<i>Local Vector Control:</i> The operator does not propose the outdoor storage of waste tires; therefore, the facility is not required to obtain local vector control authority approval.  <i>Local Fire Authority:</i> The facility was approved by Mr. Phil Casher, with the City of Hayward Fire Department, on May 8, 2012.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
California Environmental Quality Act (CEQA)	Staff of the Permitting and Assistance Branch found that the issuance of the Minor Waste Tire Facility Permit is exempt by general rule from the requirements of CEQA. See additional CEQA information below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Reviewed by: CalRecycle Legal Office	February 1, 2013	
Waste Evaluation and Enforcement Branch	January 24, 2013	

### **Compliance History:**

On October 2, 2012, Paresh Khatri, Alameda County Environmental Health Tire Enforcement Agency (TEA), and Joy Isaacson, PAB staff conducted an inspection of the facility. The facility had approximately 1,118 waste tires on site, and was not in compliance with applicable state minimum standards. The facility is allowed to store up to 499 waste tires on-site at any one time.

On October 26, 2012, the TEA conducted a re-inspection and found the facility had approximately 2,351 waste tires on site, and was not in compliance with applicable state minimum standards. On November 29, 2012, the TEA and Waste Evaluation and Enforcement Branch (WEEB) staff, Mary LeClaire, conducted an inspection and found the facility had approximately 2,649 waste tires on site, and was not in compliance with applicable state minimum standards.

On December 14, 2012, WEEB staff issued a Cleanup and Abatement Order (CAO) to Bay Area Tire Recycling, Inc. which required the removal of waste tires in excess of 499 from the premises. On January 18, 2013, the TEA conducted an inspection and determined that the facility was in compliance with tire count requirements and all applicable state minimum standards at the time of the inspection.

### **Environmental Analysis:**

Under the California Environmental Quality Act (CEQA), CalRecycle must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed Minor WTFP before CalRecycle issues that permit. In this case, CalRecycle is a lead agency under CEQA and must make a determination as to whether this proposed permit is categorically or statutorily exempt or additional CEQA analysis is necessary in the form of a Negative Declaration or Environmental Impact Report.

The proposed WTFP is considered to be a project under CEQA [CEQA Guidelines 15378(a)(3)] and the facility is required to obtain a permit pursuant to 14 CCR, Section 18420, for the storage of up to 4,999 waste tires.

The City of Hayward issued a business license on April 4, 2012. The business license allows for Bay Area Tire Recycling Inc. to receive and bale tires for export. The facility is consistent with the City of Hayward's zoning designation and General Plan.

Staff prepared a Preliminary Review to determine whether a general rule exemption is adequate for CalRecycle's approval of this Minor WTFP. The Preliminary Review indicates that the proposed project:

- Involves the operation of an existing facility within the permitted land use;
- Involves no expansion of use beyond that existing at the time of permit issuance;
- Does not allow relaxation of standards leading to environmental degradation;

- Would have no significant environmental impacts; and
- There are no additional cumulative environmental impacts.

CalRecycle staff made the finding/determination that a General Rule Exemption, 14 CCR Section 15061(b)(3), is appropriate for CalRecycle's issuance of this proposed Minor WTFP in that it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Staff recommends that CalRecycle, acting as a lead agency under CEQA, prepare a Notice of Exemption, based on the General Rule Exemption, to be filed with the State Clearinghouse after CalRecycle's issuance of the Minor WTFP. Further, there are no grounds under CEQA for CalRecycle to prepare any additional environmental documents.

Staff further recommends the General Rule Exemption is adequate for the Branch Chief's environmental evaluation of the proposed project for those project activities which are within CalRecycle's expertise and authority, or which are required to be carried out or approved by CalRecycle.

The administrative record for the decision to be made by CalRecycle includes the proposed Minor WTFP and all of its components and supporting documentation, this staff report, the Notice of Exemption and other documents and material utilized by CalRecycle in reaching its decision on issuing this permit. The custodian of CalRecycle's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

**Public Comment:**

Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meetings on November 19, 2012, December 11, 2012 and January 15, 2013.

Attachment: Minor WTFP